

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MEDEQUA LLC,

Plaintiff,

-against-

O'NEILL & PARTNERS LLC,

Defendant.  
----- X

**ARREST WARRANT**

21 Civ. 6135 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

In my order dated September 23, 2021 I held Defendant and its managing partner, Brian O'Neill, in contempt of court for failure to comply with my court orders directing him to interpleader \$5.1 million, the full amount of the Escrow Funds (ECF 43). I directed the U.S. Marshal to arrest Brian O'Neill and hold him in custody until he purges himself of the contempt.

On September 28, 2021, Mr. O'Neill surrendered himself into custody in Washington, DC. A hearing was held before Magistrate Judge Zia M. Faruqi, United States District Court for the District of Columbia at 2:30 p.m. on September 28, 2021. Judge Faruqi ordered Mr. O'Neill to report, in person, to the U.S. Marshal for the Southern District of New York within 72 hours, or approximately 3:30 p.m on October 1, 2021.


On October 1, 2021, Defendant filed a motion to modify or stay my contempt order (ECF 46). On the same day, I denied that request but enlarged O'Neill's time to October 5, 2021 at 3:30 p.m to comply with my orders or report to the U.S. Marshal for the Southern District of New York (ECF 47).

As of 5:00 p.m. on October 5, 2021, O'Neill had neither deposited the full amount of the Escrow Funds nor surrendered himself to the U.S. Marshals in the Southern District of New York. To date, O'Neill has not provided any documentary proof concerning the status of the balance of the Escrow Funds, despite declaring that he expected to do so by October 4, 2021 (ECF 46-2).

As I did in my order dated September 23, 2021, I order the United States Marshal of this district, himself or by any deputy or assistant Marshal, to arrest Brian O'Neill without any unnecessary delay, and hold him in custody until he purges himself of the contempt by depositing the remaining amount of the Escrow Funds, \$1,800,000, with the Clerk of Court, or irrevocably instructing any depository of said funds to do so, for further transfer into the Disputed Ownership Fund ("DOF") in the Court Registry Investment System ("C.R.I.S.") of the U.S. District Court, Southern District of New York. The U.S. Marshal of this district, or designated Deputy or Assistant U.S. Marshal, may use such reasonable force as to him seems reasonable or necessary to execute this order, including forcible entry into any residence or domicile in which Brian O'Neill reasonably is believed to be present and fails or refuses to submit to arrest.

SO ORDERED.

Dated: October 6, 2021  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge